

FOR APPLICANT INFORMATION ONLY

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FORM HR-10

**SUBCHAPTER 9B - STANDARDS FOR CRIMINAL JUSTICE EMPLOYMENT: EDUCATION:
AND TRAINING**

SECTION .0100 - MINIMUM STANDARDS FOR CRIMINAL JUSTICE EMPLOYMENT

12 NCAC 09B .0101 MINIMUM STANDARDS FOR CRIMINAL JUSTICE OFFICERS

Every criminal justice officer employed by an agency in North Carolina shall:

- (1) be a citizen of the United States;
- (2) be at least 20 years of age;
- (3) be of good moral character pursuant to G.S. 17C-10 and as determined by a thorough background investigation;
- (4) have been fingerprinted and a search made of local, state, and national files to disclose any criminal record;
- (5) have been examined and certified by a licensed physician or surgeon to meet physical requirements necessary to properly fulfill the officer's particular responsibilities and shall have produced a negative result on a drug screen administered according to the following specifications:
 - (a) the drug screen shall be a urine test consisting of an initial screening test using an immunoassay method and a confirmatory test on an initial positive result using a gas chromatography/mass spectrometry (GC/MS) or other reliable initial and confirmatory tests as may, from time to time, be authorized or mandated by the Department of Health and Human Services for Federal Workplace Drug Testing Programs;
 - (b) a chain of custody shall be maintained on the specimen from collection to the eventual discarding of the specimen;
 - (c) the drug screen shall test for the presence of at least cannabis, cocaine, phencyclidine (PCP), opiates and amphetamines or their metabolites;
 - (d) the test threshold values established by the Department of Health and Human Services for Federal Workplace Drug Testing Programs, as found in 59 F.R. 29916(1994), are hereby incorporated by reference, and shall automatically include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6;
 - (e) the test conducted shall be not more than 60 days old, calculated from the time when the laboratory reports the results to the date of employment;
 - (f) the laboratory conducting the test must be certified for federal workplace drug testing programs, and must adhere to applicable federal rules, regulations and guidelines pertaining to the handling, testing, storage and preservation of samples;
- (6) have been administered a psychological screening examination by a clinical psychologist or psychiatrist licensed to practice in North Carolina or by a clinical psychologist or psychiatrist authorized to practice in accordance with the rules and regulations of the United States Armed Forces within one year prior to employment by the employing agency to determine the officer's mental and emotional suitability to properly fulfill the responsibilities of the position;
- (7) have been interviewed personally by the Department head or his representative or representatives, to determine such things as the applicant's appearance, demeanor, attitude, and ability to communicate;
- (8) notify the Standards Division of all criminal offenses which the officer is arrested for or charged with, pleads no contest to, pleads guilty to or is found guilty of. This shall include all criminal offenses except minor traffic offenses and shall specifically include any offense of Driving Under The Influence (DUI) or Driving While Impaired (DWI). A minor traffic offense is defined, for purposes of this Subparagraph, as an offense where the maximum punishment allowable by law is 60 days or less. Other offenses under Chapter 20 (Motor Vehicles) of the General Statutes of North Carolina or similar laws of

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other jurisdictions which shall be reported to the Standards Division expressly include G.S. 20-139 (persons under influence of drugs). G.S. 20-28(b) (driving while license permanently revoked or permanently suspended) and G.S. 20-166 (duty to stop in event of accident). The notifications required under this Subparagraph must be in writing, must specify the nature of the offense, the court in which the case was handled, the date of the arrest or criminal charge, the final disposition, and the date thereof. The notifications required under this Subparagraph must be received by the Standards Division within 30 days of the date the case was disposed of in court. The requirements of this Subparagraph shall be applicable at all times during which the officer is certified by the Commission and shall also apply to all applications for certification. Officers required to notify the Standards Division under this Subparagraph shall also make the same notification to their employing or appointing executive officer within 20 days of the date the case was disposed of in court. The executive officer, provided he has knowledge of the officer's arrest(s) or criminal charge(s) and final disposition(s), shall also notify the Standards Division of all arrests or criminal charges and final dispositions within 30 days of the date the case was disposed of in court. Receipt by the Standards Division of a single notification, from either the officer or the executive officer, is sufficient notice for compliance with this Subparagraph.

History Note: Authority G.S. 17C-6; 17C-10;
Eff. January 1, 1981;
Amended Eff. September 1, 2001; April 1, 1999; January 1, 1995; November 1, 1993;
July 1, 1990.

12 NCAC 09B .0102 BACKGROUND INVESTIGATION

(a) Any agency contemplating the employment of an applicant as a criminal justice officer shall, prior to employment, complete a background investigation on such applicant. The investigation shall examine the applicant's character traits and habits relevant to performance as a criminal justice officer and shall determine whether the applicant is of good moral character pursuant to 12 NCAC 09B .0101(3).

(b) Prior to the investigation, the applicant shall complete the Commission's Personal History Statement Form to provide a basis for the investigation.

(c) The agency shall utilize an investigator with prior experience or training in conducting background investigations. The investigator shall document the results of the investigation and shall include in the report of investigation:

- (1) biographical data;
- (2) family data;
- (3) scholastic data;
- (4) employment data;
- (5) criminal history data;
- (6) interviews with the applicant's references; and
- (7) a summary of the investigator's findings and conclusions regarding the applicant's moral character.

(d) For criminal justice officers employed by the North Carolina Department of Correction, the agency may use the method of documenting the results of the background investigation it deems most appropriate to its needs in accordance with the Commission form. However, the Commission's Mandated Background Investigation Form must be used to collect minimum information to be recorded by the investigator for all other criminal justice officer applicants that are regulated by the Commission.

(e) Upon written request by the Director of the Standards Division, the employing agency shall provide the Commission with a copy of any background investigation retained by the agency.

History Note: Authority G.S. 17C-6;
Eff. January 1, 1981;
Amended Eff. August 1, 2002; August 1, 1998; July 1, 1989.

12 NCAC 09B .0103 FINGERPRINT RECORD CHECK

(a) Each applicant for employment shall be fingerprinted twice, using FBI Form FD-258, Fingerprint Record Card.

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(b) The employing agency shall check the applicant's fingerprints against local files and shall forward both completed fingerprint forms to the North Carolina State Bureau of Investigation for fingerprint and criminal history checks against state and federal files.

(c) The employing agency will receive a report of the results of the fingerprint check against state and federal files. Regardless of the disposition of the inquiry, the employing agency shall permanently retain the results of the fingerprint record check in the applicant's personnel file.

(d) An applicant for employment as a law enforcement officer may not be employed or placed in a sworn law enforcement position prior to the date on which the employing agency receives the report of the results of the fingerprint record check unless all of the following requirements are met:

- (1) The employing department head determines that the delay in receiving the fingerprint record check will result in undue hardship to the agency and certifies that determination to the Commission.
- (2) The preliminary criminal history investigation conducted by the employing agency has failed to disclose any disqualifying criminal record.
- (3) The applicant meets all of the minimum standards for employment and certification contained in this Subchapter.
- (4) The Fingerprint Record Cards have in fact been executed, delivered to, and received by the State Bureau of Investigation for the purpose of a criminal history search.
- (5) The applicant has completed and signed the applicant's certificate (Section A) of the Commission's Report of Appointment, wherein the applicant's temporary employment and probationary law enforcement officer certification is acknowledged to be contingent on the consistency of the fingerprint record check with the information provided in the Personal History Statement Form.

(e) An applicant for employment as a criminal justice officer other than a law enforcement officer may be employed prior to the date on which the employing agency receives the report of the results of the fingerprint record check, if all of the following requirements are met:

- (1) The completed Fingerprint Record Cards have been forwarded to and received by the State Bureau of Investigation.
- (2) The applicant meets all other minimum requirements for employment and certification.
- (3) The applicant's continued employment is contingent upon the agency's review and evaluation of the results of the fingerprint record check.

History Note: Authority G.S. 17C-6; 17C-10;
Eff. January 1, 1981.

12 NCAC 09B .0104 MEDICAL EXAMINATION

(a) Each applicant for employment as a criminal justice officer shall complete the Commission's Medical History Statement Form within one year prior to employment by the employing agency and shall be examined by either a physician or surgeon licensed to practice medicine in North Carolina or by a physician or surgeon authorized to practice medicine in accordance with the rules and regulations of the United States Armed Forces to help determine one's fitness in carrying out the physical requirements of the criminal justice officer position.

(b) The examining physician shall record the results of the examination on the Commission's Medical Examination Report Form and shall include notation of any evidence of past or present defects, diseases, injuries, operations, or conditions of an abnormal or unusual nature.

History Note: Authority G.S. 17C-6; 17C-10;
Eff. January 1, 1981;
Amended Eff. November 1, 1993; February 1, 1991; March 1, 1990; April 1, 1985.

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(a) Prior to employing any applicant for employment as a criminal justice officer, the employing agency shall conduct an interview of the applicant to determine the applicant's abilities and potential for success as a criminal justice officer.

(c) The agency may use the method of interviewing and recording the interview it deems most appropriate to its needs. The Commission's Qualifications Appraisal Interview form may be used as a guide for the interviewer.

(a) Each applicant for employment as a criminal justice officer shall furnish to the employing agency documentary evidence that the applicant has met the educational requirements for the criminal justice field of expected employment.

(c) Documentary evidence of completion of the General Educational Development Test shall be satisfied by a certified copy of GED test results showing a total score of not less than 225 points and a minimum score on any single test of 35 points. A certified copy of a military GED diploma may be used as alternate evidence of GED completion.

*History Note: Authority G.S. 17C-6; 17C-10;
Eff. January 1, 1981;
Amended Eff. August 1, 2000.*